

1 Mark W. McBrayer
Texas Bar No. 24038036
2 Pro Hac Vice application to be filed
CRENSHAW, DUPREE & MILAM, L.L.P.
3 P. O. Box 1499
Lubbock, Texas 79408
4 (806) 762-5281

5 Jeffrey M. Byer
California State Bar No. 149332.
6 Local Counsel
SANDLER LASRY LAUBE BYER & VALDEZ, L.L.P.
7 402 West Broadway, Suite 1700
San Diego, CA 92101
8 (619) 235-5655

9 **ATTORNEYS FOR DEFENDANT MARIN COUNTY, TEXAS**

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 CASIANO N. ALFORQUE

13 Plaintiff,

14 v.

15 MARTIN COUNTY, TEXAS,

16 Defendant.

Case No. 3:08-CV-0613-WQH (WMc)
ECF

DEFENDANT'S MOTIONS TO DISMISS
PURSUANT TO RULES (b)(2), 12(b)(3)
AND 12(b)(6); OR, MOTIONS TO
VENUE, NOTICE OF MOTIONS

JUDGE: WILLIAM Q. HAYES

HEARING DATE: AUGUST 25, 2008
TIME: 11:00 a.m.
COURTROOM: 4
NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT

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21 TO CASIANO N. ALFORQUE, PRO SE PLAINTIFF:

22 PLEASE TAKE NOTICE THAT on August 25, 2008 at 11:00 a.m., or as soon thereafter as
23 the matter may be heard, in Courtroom 4 of the above-entitled Court, located at 940 Front Street, San
24 Diego, California, Defendant MARTIN COUNTY, TEXAS will and hereby do move this Court for
25 an Order dismissing Plaintiff's Complaint, or alternatively, to transfer Plaintiff's cause of action to
26 the United States District Court for the Western District of Texas, Midland Division.

27 These Motions to Dismiss are brought for Lack of Personal Jurisdiction Pursuant to Federal
28 Rule of Civil Procedure 12(b)(2), or alternatively, for Failure to State a Claim Pursuant to Federal

1 Rule of Procedure 12(b)(6) and 28 U.S.C. § 1915, or alternatively, for Improper Venue Pursuant to
2 Federal Rule of Civil Procedure 12(b)(3). These Motion to Transfer Venue are brought for Transfer
3 to a Proper District Pursuant to 28 U.S.C. § 1406(a), or alternatively, for the Convenience of the
4 Parties Pursuant to 28 U.S.C. § 1404(a).

5 These Motions are based on this Notice of Motion and Motions, the accompanying
6 Memorandum of Points and Authorities in Support thereof, and the Appendix in Support thereof,
7 filed herewith, the pleadings filed herein, and such other written or oral argument as may be
8 requested by the Court.

9 Respectfully submitted,

10 Dated: July 21, 2008

CRENSHAW, DUPREE & MILAM, L.L.P.

11
12 By: s/ Mark W. McBrayer, by consent
13 Attorneys for Defendant
14 MARTIN COUNTY, TEXAS

15 Dated: July 21, 2008

**SANDLER, LASRY, LAUBE, BYER
& VALDEZ LLP**

16
17 By: s/ Jeffrey M. Byer
18 Jeffrey M. Byer
19 Attorneys for Defendant
20 MARTIN COUNTY, TEXAS
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